

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**BOARD OF COMMISSIONERS OF  
THE PORT OF NEW ORLEANS**

**Plaintiff,**

**LEXINGTON INSURANCE  
COMPANY, AND FACTORY  
MUTUAL INSURANCE COMPANY**

**Defendant.**

§ **CASE NO: 08CV2505RCC**  
§ **JUDGE JOHN W. DARRAH**  
§ **MAGISTRATE MICHAEL T. MASON**  
§  
§ **RELATED TO:**  
§ **CIVIL ACTION NO. 06-8101**  
§ **EASTERN DISTRICT OF LOUISIANA**  
§ **JUDGE DONALD E. WALTER**  
§ **MAGISTRATE ALMA L. CHASEZ**  
§  
§

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Plaintiff and Defendant file this Stipulation of Dismissal Without Prejudice under Federal Rule of Civil Procedure 41(a)(1)(ii).

1. Plaintiff is Building Consulting Associates, Inc.; Defendant is Board of Commissions of the Port of New Orleans.

2. On May 1, 2008, Plaintiff filed the ancillary/miscellaneous action against Defendant.

3. Plaintiff moves to dismiss the suit without prejudice.

4. Defendant, who has answered, agrees to the dismissal without prejudice.

5. This case is not a class action.

6. A receiver has not been appointed in this case.

7. This case is not governed by any federal statute that requires a Court order for dismissal of the case.

8. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.

9. This dismissal is without prejudice to refileing.

10. Further agreed and stipulated that Building Consulting Associates, Inc. is not required to comply with the Subpoena issued and served on behalf of the Board of Commissioners of the Port of New Orleans until further order of a Court or by agreement of the parties.

Respectfully submitted,

/S/ Brian S. Hormozi

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